**THE HON'BLE MR JUSTICE V.ESWARAIAH**

**WRIT PETITION No: 140 of 2006**

**DATED: 04.01.2006**

Between:

Santha Kumari

… PETITIONER

AND

The Joint Collector,

Khammam, Khammam District, & others.

… RESPONDENTS

**THE HON'BLE MR JUSTICE V.ESWARAIAH**

**WRIT PETITION NO : 140 of 2006**

**ORDER**:-

This writ petition is filed to declare the action of the respondents in not releasing the stock of the F.P. Shop No.14027, China Korukondi Village, Kallur Mandal, Khammam District in favour of the petitioner though holding a valid and subsisting authorization, as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents to release the stock forthwith for the month of January 2006.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner submits that she is a fair price shop dealer of China Korukondi, Kalluru Mandal, Khamam District. It is stated that she has also given additional charge of Shop No.14023 of the same village and the authorization was renewed up to 31.03.2006. While so, on receipt of 6A report, the Mandal Revenue Inspector-II, proceeded to Chinnakorukondi Village, Kallur Mandal, on 04.12.2005 and took over the stock of Qt.2.20 Kgs caught by the villagers and since the shop was closed on that day, he made an inspection on 05.11.2005 and found shortage of Qt.5.47 Kgs of rice pertaining to Food for Work PDS and Mid day meals. Accordingly, a show cause notice, dated 01.12.2005, was issued framing the following three charges.

> "**Charge No.1:**- That the dealer has failed to maintain the true and correct records of (2) F.P.Shops and violated the conditions of the authorization.
>
> **Charge No.2**:- That the dealer has failed to accounts for the shortage of Qt.5-47 kgs to be available in the F.P. Shop.
>
> **Charge No.3**:- That the dealer has diverted Qt.2-20 kgs to black market and indulged in clandestine business."

It is stated that the said show cause notice was issued as to why the authorization of the petitioner shall not be cancelled in addition to recovery of the misused rice. Pursuant to the proceedings initiated under Section 6A, the petitioner submitted her explanation on 14.12.2005. It is also stated that so far the authorization of the petitioner was neither cancelled nor suspended, but the respondents are not releasing the essential commodities to supply the same to the cardholders.

Having regard to the facts and circumstances of the case and as the authorization of the petitioner is not cancelled or suspended by the 2nd respondent, the 3rd respondent, who is the concerned Mandal Revenue Officer to release essential commodities, is directed to release the essential commodities to the petitioner to supply the same to the cardholders.

With the above direction the writ petition is accordingly disposed of. No order as to costs.

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04.01.2006

Note:- Issue CC in Two days.

B/o.

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